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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,616	06/30/2003	Ling Chen	42P16534	1415

8791 7590 01/03/2006

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EXAMINER

NGUYEN, TANH Q

ART UNIT PAPER NUMBER

2182

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,616

Applicant(s)

CHEN, LING

Examiner

Tanh Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 and 20-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 3-5, 10-12, 15-17, 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "storing audio information...determining a frame boundary for said stored audio information", hence requires determining a frame boundary after audio information is stored.

Claim 3 (which depends on claim 2 which depends on claim 1) recites "said storing further comprises: determining whether said buffer location comprises said frame boundary", hence requires determining whether said buffer location comprises said frame boundary to occur during storing. Since said frame boundary refers to the frame boundary recited in claim 1, the recitation of frame boundary in claim 3 contradicts the recitation of frame boundary in claim 1.

Claims 4-5 are rejected because they depend on claim 3.

Claims 6 and 10-12, 13 and 15-17, 18 and 21-23 generally correspond to claims 1 and 3-5, hence claims 10-12, 15-17, 21-23 are rejected on the same basis.

No prior art rejections are made with respect to claims 3-5, 10-12, 15-17, 21-23 since the claims, as recited, do not enable the examiner to interpret the claims without a great deal of speculations.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2; 6-9; 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Parry et al. (USP 6,463,486)**.

5. As per claims 1-2, 13-14, **Parry** teaches a method and corresponding article comprising a storage medium that includes instructions to manage a buffer, comprising:

storing audio information in a circular buffer [124, FIGs. 6, 7; col. 7, lines 30-32; col. 7, lines 19-21];

scheduling access to said audio information by a plurality of components [126, FIGs. 6, 7; col. 8, lines 22-24];

determining a frame boundary for said stored audio information [determining start location and end location of data to be read [col. 11, lines 59-64; col. 12, lines 20-24]]; and

accessing said stored audio information by said components in accordance with said schedule [col. 7, lines 32-39] and said frame boundary [col. 12, lines 36-39],

wherein said storing comprises receiving audio information [col. 7, lines 30-32], identifying a buffer location to store said audio information [col. 8, lines 35-41; col. 11, lines 14-16], and storing said audio information in said buffer location [col. 11, lines 14-16].

6. As per claims 6,9, Parry teaches an apparatus [FIG. 6] to perform media processing, comprising:

a circular buffer [124, FIGs. 6, 7];

an audio data module [122, FIGs. 6, 7; col. 7, lines 19-21] connected to said circular buffer;

a plurality of components [126, FIGs. 6, 7; 130, FIG. 6; col. 4, lines 55-57] connected to said circular buffer; and

a scheduling module [200, FIG. 7] connected to said audio data module and said components, said scheduling module to schedule access to said audio information stored by said circular buffer for said plurality of components, said audio data module to determine a frame boundary for said stored audio information, and said components to access said stored audio information in accordance with said schedule and said frame boundary (see rejections of claims 1-2, 12-13 above),

wherein the audio data module stores audio information in the circular buffer [col. 7, lines 30-32] by receiving audio information [col. 7, lines 30-32], identifying a buffer location to store the audio information [col. 8, lines 35-41; col. 11, lines 14-16], and storing said audio information in said buffer location [col. 11, lines 14-16],

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7. As per claims 7-8, Parry further teaches the plurality of components comprising at least a voice encoder [effect filters [col. 20, lines 59-60]] and a preprocessing module [col. 20, lines 60-64];

the plurality of components comprising at least a data modem [col. 4, lines 55-57] and a voice decoder [120, FIGs. 5, 6];

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry et al.**.

10. Parry teaches and a system to process audio information [col. 1, lines 30-33], comprising a media processing device (the media processing device of claims 6, 9) for streaming media information over the Internet [col. 1, lines 30-33].

Perry therefore discloses the invention except for the system comprising a media gateway and a media gateway controller, and except for the media gateway and the media gateway controller being connected to the media processing device.

Since Parry teaches the media processing device streaming media information over the Internet, and since it was known in the art at the time the invention was made

for a media gateway to stream media between a local network and the Internet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect a media gateway and a corresponding media gateway controller to the media processing device in order to stream data between a local network and the Internet.

Response to Arguments

11. Applicant's arguments with respect to claims 1-2, 6-9, 13-14, 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Quang Nguyen whose telephone number is (571) 272-4154 and whose e-mail address is tanh.nguyen36@uspto.gov. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh, can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for After Final, Official, and Customer Services, or (571) 273-4154 for Draft to the Examiner (please label "PROPOSED" or "DRAFT").

Effective May 1, 2003 are new mailing address is:

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12/26/2005